

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:18-cr-00013-RLY-MPB
)	
JASON SHAWN MCNARY,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On June 18, 2018, the Court held an Initial Appearance on a Warrant for Violation of Supervised Release in the Petition filed June 12, 2018 ([Dkt. No. 11](#)). On July 23, 2018, the Court held the Final Revocation Hearing. Defendant McNary appeared in person with Counsel Ron Freson. The government appeared by Lauren Wheatley, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officer Andrea Hillgoth.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. After being placed under oath, Defendant McNary admitted violation #1, ([Dkt. No. 11](#)).
2. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	<p>"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."</p> <p>On May 18, May 20, and May 21, 2018, Jason McNary tested positive for amphetamines. He admitted to using methamphetamine on May 17, 2018. As previously reported to the Court, Jason McNary tested positive for amphetamines on March 15, April 24, May 2, and May 11, 2018.</p>

3. The parties stipulated that:

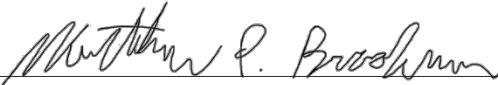
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is I.
- (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 4-10 months imprisonment.

4. The government requests a sentence of six (6) months in the Bureau of Prisons. The defendant requests continuance of supervised release with residency in the Volunteers of America facility in Evansville, Indiana.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition. The Court recommends the Defendant be continued on supervised release, and that as a condition he maintain residence in the Volunteers of America facility in Evansville, Indiana for a period of one hundred twenty (120) days. It is further recommended that the defendant participate in a substance abuse treatment program approved by the probation officer and abide by the rules and regulations of that program.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: July 23, 2018


Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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United States Probation Office, United States Marshal